

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JALIL S. REED,	:	
	Plaintiff	: No. 1:22-CV-1832
	:	:
v.	:	: Judge Wilson
	:	:
LT. GARCIA, et al.,	:	: Electronically Filed Document
	Defendants	:
	:	<i>: Complaint Filed 11/16/22</i>

BRIEF IN SUPPORT OF MOTION FOR STAY OF DISCOVERY
PENDING MOTION TO DISMISS

PROCEDURAL HISTORY OF THE CASE

Plaintiff Reed, proceeds in this §1983 action by amended complaint filed December 12, 2022. *See* Doc. 16. Defendants Garcia, Conrad, Harrison, Sherrill, Shistle, Klapt, Adaminson, Scoo, Dileo, Litsenski, Zagata, Sapata, Havard, Simpson, Guzenski, Gavlick, Bohinski, Contreras, Goyne, Mangan, Inniss, Austin, and Growhowski (collectively, Defendants), subsequently moved to dismiss the amended complaint pursuant to Fed. R. Civ. P. 12(b). *See* Doc. 35. Reed has since propounded various requests for discovery upon Defendants. *See* Docs. 80, 81, and 82. Because the pleadings in this action have not yet closed, Defendants have moved for a stay of discovery pending the close of such pleadings and now submits this brief in support thereof.

STATEMENT OF QUESTIONS INVOLVED

- I. Whether this Court should stay discovery pending disposition of Defendants' dispositive motion?

Suggested Answer: Yes.

ARGUMENT

The federal rules of civil procedure states the scope of discovery extends to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case. . . “ Fed. R. Civ. P. 26(b)(1). Issues relating to the scope and timing of discovery rest in the court’s sound discretion. *See, e.g., James v. York Cnty. Police Dep’t*, 160 F. App’x 126, 136 (3d Cir. 2005).

Briefly deferring discovery to allow the court to determine whether a complaint has sufficient merit to go forward recognizes a simple, fundamental truth: “[p]arties who file motions that may present potentially meritorious and complete legal defenses to civil actions should not be put to the time, expense and burden of factual discovery for themselves and others until after these claimed legal defenses are addressed by the court.” *McClain v. Pa. Dep’t of Corr.*, 2022 WL 852859 (M.D. Pa. Mar. 22, 2022). Moreover, in such a case, the deferral of discovery permits the scope of any residual existing claims and defense to be readily understood.

In light of this standard, Defendants seek a temporary stay of discovery pending this Court’s disposition of their outstanding dispositive motion.

Defendants have filed their well-grounded, potentially dispositive Motion to Dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12. Defendants further submit they are entitled to the “**just, speedy, and inexpensive** determination” of this action. *See* Fed. R. Civ. P. 1 (emphasis added). Should Defendants’ motion be granted, it would obviate the need for discovery. To that end, a stay of discovery would promote the preservation of public and litigant resources, and avoid the need to undergo the potentially unnecessary discovery process.

CONCLUSION

WHEREFORE, Defendants respectfully request this Honorable Court grant their Motion for Stay of Discovery Pending Motion to Dismiss by signing and issuing the proposed Order attached to the motion.

Respectfully submitted,

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Date: October 13, 2023

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	Defendants	:
		<i>Complaint Filed 11/16/22</i>

CERTIFICATE OF SERVICE

I, Erich Greiner, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on October 13, 2023 I caused to be served a true and correct copy of the foregoing document titled *Brief in Support of Motion for Stay of Discovery Pending Motion to Dismiss* to the following:

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s/ Erich Greiner
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